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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,381	09/15/2004	Yih-Shin Weng	22171-00021-US1	5380

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EXAMINER

RIZK, SAMIR WADIE

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,381	Applicant(s) WENG ET AL.	
	Examiner Sam Rizk	Art Unit 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/30/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Claims 1-11 have been submitted for examination
- Claims 1-6 have been elected for examination
- Claims 7-11 have been withdrawn
- Claims 1,2,4-6 have been rejected
- Claim 3 is objected to.

Election/Restrictions

1. In response to the office action filed on 5/30/2006, the applicant elected group I; claims (1-6), filed on 6/27/2006, for continued examination without traverse and withdrew claims (7-11).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukihashi et al. US patent no. 6560180 (Hereinafter Tsukihashi).
3. In regard to claim 1, Tsukihashi teaches:

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- A data recording method for an optical disk drive, comprising the steps of:

(Note: Fig. 1 in Tsukihashi)

- encoding and recording data blocks, wherein each of the data blocks comprises a main data area and an auxiliary data area;

(Note: Fig. 1, reference signs (16) and (26) in Tsukihashi)

- detecting whether a buffer under run occurs;

(Note: Fig. 1, reference sign (21) in Tsukihashi)

- stopping a recording operation after at least one main data of the data block currently being recorded has been recorded, if the buffer under run occurs; and

(Note: col. 5, lines (4-14) in Tsukihashi)

- restarting to encode and record from the beginning of the next data block.

(Note: col. 5, lines (61-66) in Tsukihashi)

4. In regard to claim 2, Tsukihashi teaches:

- The data recording method for an optical disk drive in accordance with Claim 1, wherein the recording stops at the auxiliary data area.

(Note: col. 5, lines (61-64) in Tsukihashi)

5. In regard to claim 4, Tsukihashi teaches:

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- The data recording method for an optical disk drive in accordance with Claim 1 , wherein the buffer under run is detected if the number of encoded data blocks is smaller than a threshold value.

(Note: col. 4, lines ((48-58) in Tsukihashi)

6. In regard to claim 5, Tsukihashi teaches:

- The data recording method for an optical disk drive in accordance with Claim 1 , wherein the auxiliary data area stores error correction codes of the main data area.

(Note: Fig.1, reference sign (26) in Tsukihashi)

7. In regard to claim 6, Tsukihashi teaches:

- The data recording method for an optical disk drive in accordance with Claim 1 , which is applied to a digital video drive (DVD).

(Note: col. 1, lines (13-15) in Tsukihashi)

Allowable Subject Matter

8. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

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The prior Art of record, in particular Tsukihashi teaches all the limitations in claims 1 and 2, however, the prior art do not teach, suggest, or otherwise render obvious:

- Part of auxiliary data in the auxiliary data area is not recorded; thereby the data of the data block where the recording stops is discontinuous with that of the next data block.

As featured in claim 3.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Tanimukai US publication no. 2004/0062165 teaches optical disc drive and method of consecutively recording data onto recordable optical disc.
- Chang et al. US publication no. 2003/0185129 teaches encoding method for recording data on compac disk
- Kuroda et al US patent no. 5815472 teaches information recording method and apparatus.
- Chang et al. US patent no. 7023784 teaches encoding method for recording data on compac disk
- Kitamura et al. US patent no. 6795382 teaches information processing system for holding number of times of record restarting.
- Yamamoto US patent no. 6876608 teaches optical disc apparatus.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

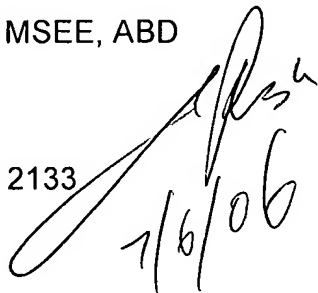
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk, MSEE, ABD

Examiner

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Handwritten signature of Sam Rizk and the date 7/6/06.Handwritten signature of Albert Decady.
ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100